IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATISGARH)

Single Bench

WRIT PETITION (C) No.:- 6556 / 2006. S.B.

PETITIONERS:- 1. Smt. Gangabai Gadwi,

PLAINTIFF:-

Aged about-72 years,
W/o Late- Kalyanji Gadwi,

2. Smt. Sangeeta Gadwi, Age-38 Years,
W/o Shri Jeetendra Gadwi,

Both the above are R/O:-
High-way Road, Sanlagna,
Opposite to Central Bank,
Old Bus Stand, Dhamtari,
Tahsil & District:- Dhamtari, (C.G.)

C.R. No. 6651/06 Presented on 22-11-06 dated

RECEIVED-COPY 22/11/06 CLERK to A. G. BILASPUR

: V E R S U S:

RESPONDENTS:- 1. Rajkumari, Age-60 yrs.
DEFENDANTS:- W/O V.P. Dubey,
R/O Right-Town, Jabalpur,
Distt. Jabalpur {M.P.}

2. Aasha Sharma, Age-60 yrs.
W/O- S.R. Sharma,
R/O –Samta Colony, Raipur,
Distt.:- Raipur {M.P.}

3. Chandramukhi, Age- 60 yrs.
W/O-P.D. Dubey,
R/O –P. & T. Colony, Raipur,
Distt.:- Raipur {M.P.}

XI-HC-78

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.(C).No..6552/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.01.2007 Shri J.A.Lohani, learned counsel for the petitioner. The petitioner by the instant petition, being aggrieved by the impugned order dated 20th September 2006 by which the learned Additional District Judge, Dhamtari in Civil Suit No. 18A/2005 allowing the application under Order 6 Rule 17 of the CPC of respondents No. 2,3 & 4 has set aside the ex parte order dated 07.11.2005 and 09.03.2006 permitted them to file written statement and participate in the proceedings and by the same order rejected the application of the petitioner under Section 151 of the CPC. Learned counsel for the petitioner submits that the respondents remained absent even after service of notice on 07.11.2005 and 09.03.2006 as a result of which they have been proceeded ex parte. However, by the impugned order their application has been allowed and they have been permitted to file written statement and participate in the proceedings without any sufficient cause. I have heard learned counsel for the petitioner. From perusal of the impugned order it is observed that the said defendants/respondents were proceeded ex parte on the basis of endorsement in the registered notice that they refused to accept the summons and no summons in the ordinary course were issued to the said respondents and the	

P.T.O.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.(C)No.6556/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	trial had not commenced till then. The trial Court considering the above facts has passed the impugned order. In the considered opinion of this Court reasons assigned by the Court below for allowing the application for setting aside the ex parte order appears to be reasonable and justified and the same does not cause any prejudice to the petitioner/plaintiff and therefore no interference is called for. Thus, the petition being devoid of substance, is dismissed. Sd/- Dhirednra Mishra Judge	

P.T.O.

12.10.07